

DOUGLAS COUNTY PLANNING COMMISSION

3015 MENKE CIRCLE
OMAHA, NE 68134

September 14, 2005
6:00 p.m.

The meeting was called to order by Vice Chair Lanoha with roll call vote.

Members Present: Bob Bruhn, Michael Gerdes, Dave Lanoha, Joe Roberts, and Milo Vacanti. Commissioner Anne Houlihan arrived at 6:07pm.

Members Absent: Bob Boozer, Barbara Hayes and Luke Janke.

Other County Officials and Staff Present: Barb Frohlich and Kent Holm (Douglas County Environmental Services), Don Nielsen (Engineer's Office).

Motion by Commissioner Roberts, seconded by Commissioner Lanoha to approve minutes of the June 8th, 2005 meeting.

Voting Yes: Bruhn, Gerdes, Lanoha, Roberts and Vacanti..

Voting No: None

Abstain: None.

APPLICATION

RP-1-05

REQUEST: Preliminary and Final Plat, Woodlands Crossing Replat 1, Lots 37-40

LEGAL: Woodlands Crossing Subdivision

LOCATION: 183rd and Thayer Street

APPLICANT: Woodlands Crossing, LLC, 2332 Bob Boozer Drive, Omaha, NE 68130

John Kottmann, Thompson, Dreessen, & Dorner, 10836 Old Mill Road, on behalf of Woodlands Crossing LLC made the following comments:

1. This subdivision at 180th and Military Road was approved several years ago.
2. The application is for the re-configuration of four lots to accommodate a buyer that wants a larger lot.
3. Lot 37 will become lot 4 and will be 0.6 acre larger.

4. The other lots will decrease in size but still comply with the minimum requirements by the Department of Environmental Quality for septic systems.

Vice Chair Lanoha opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Motion by Commissioner Vacanti to recommend approval, seconded by Commissioner Gerdes.

Voting Yes: Bruhn, Gerdes, Lanoha, Roberts, and Vacanti.

Voting No. None.

Abstain. None.

APPLICATION C-8-05

REQUEST: Conditional Use Permit for Wireless Communication Facility

LEGAL: West ½ of Section 10, Township 16 N, Range 10 E. of the 6th P.M.

LOCATION: 0.1 mile south of Highway 36 on Elk City Drive

APPLICANT: Dan Dunne, 2611 South 117th Street, Omaha, NE 68144
representative for Appleby Farm Limited Partners, 23839 Elk City Drive,

Sam Mandolfo, Site Acquisition Consultants, made the following comments on behalf of Cingular Wireless and Appleby Farm Limited Partners:

1. The proposed tower is for Cingular Wireless that bought AT&T Wireless last year.
2. Cingular Wireless is completing the buildout initiated by AT&T.
3. Cingular Wireless anticipates a major carrier this market and is filling in the areas that are not now served.
4. The map submitted with the application indicates the need for the tower in this area.

Commissioner Vacanti asked Mr. Madolfo to describe the location of the proposed tower: Mr. Mandolfo stated the location is 238th and Elk City Drive just south of Highway 36 on 238th Street.

Vice Chair Lanoha opened the public hearing. No one from the public spoke for or against the application. The public hearing was closed.

Commissioner Vacanti asked the height of the proposed tower. Mr. Mandolfo stated it will be 240 feet high because of a hill located to the east and comply with all Federal regulations.

Vice Chair Lanoha asked Ms. Frohlich if the application complied with Douglas County Regulations. Ms. Frohlich stated it did.

Commissioner Gerdes stated that he would abstain from voting because his firm was involved in the project

Motion by Commissioner Roberts to recommend approval of the application, seconded by Commissioner Vacanti.

Voting Yes: Bruhn, Lanoha, Roberts, and Vacanti.

Voting No: None.

Abstain: Gerdes.

APPLICATION G-13-05

REQUEST: Change Future Land Use Map from Open Space Corridors and Preserves to Conventional Subdivisions.

LEGAL: Part of S ½ of NW ¼ and part of the N1/2 of NW ¼ of Section 10, Township 14, Range 10 E. of the 6th P.M

LOCATION: Between 234th and 240th south of West Q Road

APPLICANT: Douglas County Environmental Services

Ms. Frohlich explained this application should be approved contingent upon approval of application PZ-4-05.

Vice Chair Lanoha opened the public hearing. No one from the public spoke for or against this application. The public hearing was closed.

Motion by Commissioner Roberts to recommend approval of the application contingent upon approval of application PZ-4-05, seconded by Commissioner Vacanti.

Voting Yes: Bruhn, Gerdes, Lanoha, Roberts, Houlihan, and Vacanti.

Voting No: None.

Abstain: None.

APPLICATION PZ-4-05

REQUEST: Preliminary Plat, Southampton Subdivision, 93.7 acre parcel, 110 single family lots (0.4 acres to 1 acre in size) with community water and sewer, rezoning from Agricultural Farming-1 (AF-1) to Single Family-1 (SF-1).

LEGAL: Part of S ½ of NW ¼ and part of the N1/2 of NW ¼ of Section 10,
Township 14, Range 10 E. of the 6th P.M

LOCATION: Between 234th and 240th south of West Q Road

APPLICANT: Boyer-Young Development Co., 9805 Giles Road, LaVista, NE
68128

Bob Doyle, 11440 West Center Road, made the following comments on behalf of the applicant, Boyer-Young Development Company.

1. Stated that Don Heine, Hill Farrell (engineers for the project) and Tim Young from Boyer-Young were also present.
2. The Southampton is a 93.7 acre parcel, situated in rolling hills overlooking the Elkhorn and Platte River valleys located generally south and west of 234th Street, basically it is right across the street from The Hamptons.
3. The proposal consists of 111 single family lots zoned SF-1 ranging in size from 0.4 to 1 acre except for the three lots located to the front which are substantially larger.
4. The storm sewers and streets are designed to meet the urban design standards of both Douglas County and the City of Omaha.
5. The water system will be a primary well site with an interconnected secondary well site. There will be a 100,000 gallon reservoir for fire protection. The water main system will be designed per MUD design standards and can and will be connected to the Metropolitan Utilities District if and when those services are available in this area.
6. The subdivision will be served by a community sanitary sewer system built to NDEQ standards. Due to the terrain, there will be five small lift stations and a larger lift station on a force main to carry the sewage over to The Hamptons's treatment facility that has been sized for the entire drainage area which includes The Hamptons, the proposed Southampton subdivision, and a future subdivision directly east of The Hamptons. The treatment plant has been designed to NDEQ standards and the constraints imposed by NDEQ will be met.
7. The area will be served by natural gas, underground power and cable.
8. We anticipate that the homes will probably range in value from \$400,000 to \$600,000.
9. The subdivision has been designed for maximum environmental concerns. As few trees as possible will be removed.
10. The proposed sewage system takes care of the drainage area that includes The Hamptons and Southamptons and is basically agreeable to NDEQ.

Ms. Frohlich listed the documents handed out to Planning Commissioners at the meeting:

1. Letter from Jensen Well Company provided by Mr. Heine.
2. Comments from Douglas County Health Department.
3. Memo from Gerry Bowen from the Papio-Missouri Natural Resources District.
4. Copy of the Papio-Missouri Natural Resources District's comments regarding The Hamptons Subdivision.

5. Diagram showing the original two lots abutting West Q Road to be changed to three lots.

Commissioner Houlihan asked Mr. Doyle if community sewer and water is planned because MUD water and sewer is not available. Mr. Doyle stated that sewer and water systems will be designed for future hookup to MUD when it is available.

Commissioner Houlihan stated she had been told the future subdivision to the east would have MUD water and sewer. Mr. Doyle stated that subdivision would be using the treatment plant for The Hamptons.

Ms. Frohlich clarified that the subdivision to the east has not been platted.

Mr. Heine stated the plant is designed to serve adjacent areas.

Commissioner Roberts asked the distance to available city sewer? Mr. Heine explained that there are two drainage basins in the area: the Papio basin and the Elkhorn Platte basin. The proposed subdivision is within the Elkhorn/Platte basin which does not have a treatment plant or rural infrastructure in place for sewage disposal.

Vice Chair Lanoha asked about the possibility of installing a force main to connect to Sarpy County's new sewer facility or the City of Omaha. Mr. Heine explained The City of Omaha has discussed an interim policy in regard to properties that straddle the basin so that property that is primarily in the Papio basin with a small portion in the Elkhorn basin would be allowed to pump sewage over the ridge to be treated in the Papio basin. All of this property is outside the Papio basin and the City of Omaha is not willing at this time to accept that sewage. As Mr. Doyle pointed out, our treatment plant is designed to be taken out of commission if another public facility is available. The HDR study being done by Sarpy County refers to this area as Gretna West Estates area. The area is unique because of its remoteness and the way in which the very small drainage basins drain directly to the mouth of the Platte River. The study is proposing that this area either be larger estate lots serviced by individual septic systems or small estate lots served by a localized waste water treatment plant.

Vice Chair Lanoha asked how many hours of storage the plant will be designed for. Mr. Heine responded that per NDEQ standards, the plant will be designed for a maximum of 24 hours of storage. He further explained that the plant will be a redundancy system, two treatment plants running side by side in the event that one goes down. The Papio Missouri River Natural Resources District's letter recommended three to four days worth of storage. NDEQ recognizes that a large volume of stored water increases the possibility of bypass and raw sewage being discharged when the plant goes back on line.

Ms. Frohlich asked what the time frame was for NDEQ approval and construction of the sewage treatment plant. Mr. Heine stated the plans for the plant are being finalized and after submittal, there is a six month review process. Construction will begin after approval next spring.

Vice Chair Lanoha stated he was concerned about effluent going into the Elkhorn River both after being treated or from accidental discharge. Also expressed concern about what will happen in 25 years after the life of the plant. He also stated that a project he is involved with got permission to build a force main from the Elkhorn River along Highway 275 to the City of Omaha's sewer. Also concerned that this will be opening a Pandora's box of problems with future development in this watershed.

Mr. Heine responded that these areas are very localized small drainage areas that don't contribute to a larger tributary creek like the Papio Basin. HDR has looked at providing these plants with the capability to hook up in the future to a large system once it is available. Meetings have been held with the City of Omaha and HDR has advised that the interim policy for these drainage basis is treatment plants.

Vice Chair Lanoha asked when the HDR study would be completed. Mr. Heine said that Randy Stahmer estimated another two months and he was confident their report would recommend treatment plants.

Vice Chair Lanoha clarified with Ms. Frohlich that Mr. Heine had received a copy of the letter from the PMRNRD. He also stated that the NRD is a concerned about the sewer issue.

Commissioner Roberts stated it would be better for many reasons including environmental if connection was made to the City of Omaha sewer system. Also stated that the approximate life of a sewer treatment plant is 20 to 25 years and wondered if it is fair to the homeowners to face costly major repairs or connection to the City of Omaha sewer at that time.

Mr. Heine stated there will be a fee in place to provide for the operation of the plant and a contingency fund to build a capital reserve over time to pay for replacement and repairs in the future.

Commissioner Roberts asked if comparisons in cost had been made between constructing a treatment plant and connecting to the City of Omaha sewer. Mr. Heine stated they didn't because they were told by the City of Omaha that our location was well outside of their basin and they were not willing to take us.

Commissioner Vacanti asked if it would be possible to connect to any other sewer systems. Mr. Heine stated Gretna is closer but he understood their system was nearing capacity. He also stated a force main would have to be built east of 204th Street to connect to available sewer.

Commissioner Roberts asked how far that distance would be. Mr. Heine estimated that it would be more than two miles. Vice Chair Lanoha stated the project he is involved with is a force main going more than two miles.

Vice Chair Lanoha opened the public hearing.

Jacqueline Pueppke, Baird Holm, 1500 Woodman Tower, on behalf of Nancy, Matt & Tony Cerone, owners of adjacent property made the following comments:

1. The Cerones own 80 acres south of the development.
2. They are not opposed to the development but have questions.
3. They are concerned about drainage related to a large ravine located on the property that also extends to the Cerone property.
4. Concerned that building 110 houses on this property will impact future development of the Cerone's property because the drainage capacity will be diminished.
5. The outlot located between lots 6 and 7 is the ravine and it caves in each year and they would like to see if that problem can be addressed. Mr. Heine responded that the increase in runoff with this type of development would be very small. Two drainage structures will be installed at the two road crossings through the drainageway, one will be a 12x12 box culvert and the other slightly smaller. He stated any improvement to the drainage way is controlled by the Corps of Engineers.
6. Also requested a copy of the NRD letter and requested the developer be required to construct a fence along the Cerone's adjoining property to prevent any problem with livestock or hunters in the future.

Nancy Cerone, 5905 South 22nd Street, Elkhorn, NE, also expressed concern about the 30 foot rave that continues to get larger.

Mike Frecks, 4269 South 150th Avenue, Omaha, NE, representing his mother and father who live directly east of the property on 234th at 23363 West Q Road made the following comments:

1. Stated their property had been staked along the tree line but they have not been told if some of their land will be taken for the street.
2. Also wondered what the schedule for street improvements will be.

Mr. Nielsen responded that there is already 66 feet of dedicated public right-of-way on 234th Street. The County Engineer's recommendations were to analyze any proposed improvements to 234th Street to make sure they are compatible with the right-of-way and consider what will happen in the future.

Bill Smythe, 23601 W. "Q" Road, made the following comments:

1. He and his wife own lots 109, 110, 111 and the portion of 238th Street between lots 109 and 110.
2. Boyer-Young approached them to purchase the land for 238th Street and they agreed to sell 50 feet for the street.
3. On the plat it is drawn as 60 feet and wants confirmation of the proposed width of the street because they want to preserve as much of their land as possible.

4. The entrance on West Q Road is shown at 110 feet; this makes the streets not more than 25 feet from our house.
5. We are asking if there is a way for the width of the street to be 50 feet.
6. Our agreement is for the sale of 50 feet unless the County requires a wider intersection on West Q Road and the sale is contingent upon approval of the subdivision

Mr. Nielsen responded with the following comments:

1. The County Engineer's very strongly recommends that 238th Street align with the street directly across West Q Road to the north.
2. A left turn lane has been provided on the north side of West Q Road. The width is also needed for future construction of sidewalks, light pole, etc.
3. He also noted that The Hamptons final plat shows 100 feet of right-of-way and the Southampton's preliminary plat shows 110 feet and was not sure the reason for the difference.

Vice Chair Lanoha stated that the width of 238th Street south of West Q Road has to be worked out between the landowner and the developer.

Mr. Nielsen further stated that he had been asked a lot of questions regarding typical residential street right-of-ways but this particular connection to West Q Road is not typical.

Mr. Nielsen made additional comments regarding the 234th Street connection:

1. 234th Street does not align with 235th Street on the north side of West Q Road which has been platted as part of The Hamptons subdivision.
2. The County Engineer's Department believes that one of these streets needs to be realigned to match as does 238th Street.
3. Mr. Heine has been contacted regarding this issue but we haven't received any information about how the issue will be addressed.

Commissioner Gerdes stated he was concerned the current plan does not show any acceleration or deceleration lanes on West Q Road at 238th Street because the trees and the curve present sight distance concerns.

Mr. Nielsen stated that the County Engineer's Department is making the same recommendation as it did for The Hamptons, that West Q Road have left turn lanes from Q and right turn deceleration lanes. The developer has committed to constructing West Q Road as three lanes from 234th Street west past 238th Street.

Vice Chair Lanoha closed the public hearing.

Commissioner Gerdes asked Mr. Heine to comment on the traffic concerns on West Q Road previously expressed by some members of the public.

Mr. Heine stated The Hamptons made a commitment to provide a three lane section of roadway an appropriate distance west of 238th Street to the 234th Street entrance. Some additional requirements will probably be needed for the Southampton development. We are meeting with Dan Kutilek tomorrow to discuss these issues. He also said he had met with the property owner south of The Hamptons east entrance about minimizing the width of the roadway.

Commissioner Roberts made a motion to lay over the application until October with the applicant to provide additional information related to items discussed such as:

1. Provide a letter from the City of Omaha regarding their policy on sewer connections.
2. Resolution of the street alignment issues.
3. Erosion and sediment control proposal.

Commissioner Gerdes seconded the motion.

Voting Yes: Bruhn, Gerdes, Houlihan, Lanoha, Roberts and Vacanti.

Voting No. None

Abstain: None

Announcements

1. October 12, 2005 Planning Commissioner meeting.
2. Presentation by RDG at 5:00 p.m. September 15, 2005.

Meeting adjourned at 6:55 p.m.

Minutes approved October 12, 2005.